

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANNA RUSSO,

Plaintiff,

v.

COUNTY OF LAWRENCE, PENNSYLVANIA and
JOSHUA LAMANCUSA, individually and in his
capacity as LAWRENCE COUNTY DISTRICT
ATTORNEY,

Defendants.

Civil Action No.

NOTICE OF REMOVAL

Defendants, COUNTY OF LAWRENCE, PENNSYLVANIA and JOSHUA LAMANCUSA, individually and in his capacity as Lawrence County District Attorney, pursuant to 28 U.S.C. §§ 1331 (Federal Question), 1441 (Removal of Civil Actions) and 1446 (Procedure for Removal of Civil Actions), hereby remove the lawsuit captioned *ANNA RUSSO v. COUNTY OF LAWRENCE, PENNSYLVANIA and JOSHUA LAMANCUSA, individually and in his capacity as LAWRENCE COUNTY DISTRICT ATTORNEY* filed at No. 10416 of 2019, C.A. in the Court of Common Pleas of Lawrence County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania based upon the following:

1. On November 29, 2021, Plaintiff filed his Complaint in the Court of Common Pleas of Lawrence County, Pennsylvania, at No. 10416 of 2019, C.A., captioned *ANNA RUSSO v. COUNTY OF LAWRENCE, PENNSYLVANIA and JOSHUA LAMANCUSA, individually and in his capacity as LAWRENCE COUNTY DISTRICT ATTORNEY*. (A copy of the Civil Case Inquiry (docket sheet) and Complaint are attached hereto, incorporated herein, and marked as Exhibits “A” and

“B,” respectively.) The case stems from allegations of extortion and taking of property relating to a criminal prosecution.

2. This civil action is removable from the state court to this Court pursuant to 28 U.S.C. § 1441.

3. The time for removal has not expired because the Notice of Removal has been filed within thirty days of November 29, 2021, the earliest date Defendant could have received notice of the Complaint with the allegations which indicate that federal jurisdiction is proper. See 28 U.S.C. § 1446(b). Proper service of the Complaint has not been effectuated.

4. Plaintiff’s Complaint brings a claim pursuant to 42 U.S.C. § 1983 alleging a deprivation of property without due process in violation of the Fourteenth Amendment of the United States Constitution and a claim alleging a violation of to 18 U.S.C. § 1962(c), the Racketeering Influence and Corruption Organization (“RICO”) Act. See Ex. B (Complaint).

5. This federal court has jurisdiction over such causes of action.

6. This action is a civil action in which this Court has original jurisdiction pursuant to 42 U.S.C. § 1331 because there is a federal question arising under the Constitution and laws of the United States. See 42 U.S.C. § 1331.

7. Although the Complaint contains a Certificate of Service, proper service was not effectuated by Plaintiff. The identified representative on the Certificate of Service was the former solicitor who has not served in that role since approximately September 2020. See Ex. A-B.

8. A copy of the Notice of Filing Notice of Removal and a copy of this Notice of Removal have been sent to Plaintiff via counsel. The Notice of Filing Notice of Removal has

been filed with the Court of Common Pleas of Lawrence County, Pennsylvania. (A true and correct copy of said Notice of Filing Notice of Removal is attached hereto, incorporated herein, and marked as Exhibit "C".)

WHEREFORE, Defendants, COUNTY OF LAWRENCE, PENNSYLVANIA and JOSHUA LAMANCUSA, individually and in his capacity as Lawrence County District Attorney, remove the civil action filed in the Court of Common Pleas of Lawrence County, Pennsylvania, at No. 10416 of 2019, C.A., to this Court.

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Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been forwarded to all counsel of record by:

_____ U.S. First Class Mail, Postage Paid
_____ Hand Delivery
_____ Certified Mail, Return Receipt Requested
_____ Facsimile Transmittal
_____ UPS Delivery
 X Electronic Filing / Service

at the following address:

Alexander H. Lindsay, Jr., Esquire
J.P. Senich, Esquire
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JONESPASSODELIS, PLLC

Dated: December 29, 2021

s/Marie Milie Jones
MARIE MILIE JONES, ESQUIRE
MARIA N. PIPAK, ESQUIRE

Counsel for Defendants